REMARKS

This submission is in response to the Official Action dated September 16, 2003. Claims 12-27 are pending. The claims of Group III (claims 25, 26, and 27) drawn to methods of diagnosing HPV infection are hereby elected. Claims 25-27 have been amended. Claims 28-35 have been added. The added claims all depend from elected claims 25-27, and therefore comply with the election of Group II.

Claims 25-27 have been amended to address matters of formal claim language and grammar, and not to overcome any statutory ground for rejection. Claim 25 has been amended to specify the nature of the HPV genotyping kit to be used in accordance with the method. This amendment is supported, for example, by original claim 1.

New claims 28-35 are fully supported by the application as filed. New claim 28 is supported by original claim 2. New claim 29 is supported by original claim 3. New claim 30 is supported by original claim 4. New claim 31 is supported by original claim 5. New claim 32 is supported by original claim 6. New claim 33 is supported by original claim 7. New claim 34 is supported by original claim 8. New claim 35 is supported by original claim 9.

Response to Restriction Requirement

The Examiner has required restriction to one of the following groups under U.S.C. 121: Group I (Claims 12-19); Group II (Claims 20-24); and Group III

(Claims 25-27). In accordance with this restriction requirement, the claims of Group III (Claims 25-27) are hereby elected.

The Examiner has required a further restriction within the elected invention group. Specifically, the Examiner has required election of a single nucleic acid probe and a pair of nucleic acid primers corresponding to said probe. In order to be fully responsive, we provisionally elect, with traverse, the HPV 16 probe and the GP5d+/6d+ primer pair. The HPV16 probe is set forth in SEQ ID NO: 1. The GP5d+ primer is set forth in SEQ ID NO: 24. The GP6d+ primer is set forth in SEQ ID NO:25.

This restriction to a single nucleic acid probe and a pair of nucleic acid primers corresponding to said probe is not believed to be well taken and is respectfully traversed. Claims 25-27 are directed to a method for diagnosis of HPV infection using a genotyping kit, wherein the genotyping kit comprises the elements enumerated in the claims and the method comprises the steps enumerated in the claims. The nucleic acid probes and primer pairs themselves do not represent claimed inventions. Rather, the use of different probes and primer pairs in the steps of the method represent different embodiments of the claimed method. These different embodiments of the method do not represent separate inventions. Therefore, the requirement for restriction to the use of a single probe and a single primer pair in accordance with claimed method is believed to be improper, and should be withdrawn.

On December 8, 2003 we attempted to contact the Examiner, via telephone, regarding our traversal of this requirement to elect a single nucleic acid probe and a pair of nucleic acid primers corresponding to said probe. At that time, the Examiner indicated that he would not be available for a telephonic interview on this matter until after the December 16, 2004 response period deadline. The Examiner requested that our arguments regarding the basis for traverse of the restriction requirement be set forth in writing in this response.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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